



TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

**COPY MAILED**

SEP 26 2005

In re Patent No. 6,852,633  
Issued: February 8, 2005  
Application No. 10/796,700  
Filed: March 8, 2004  
Attorney Docket No. 021653-001100US

**OFFICE OF PETITIONS**

:  
:  
: DECISION ON PETITION  
: UNDER 37 CFR 1.55(a)  
:

This is a decision on the petition under 37 CFR 1.55(a), filed January 13, 2005, for entry of priority papers submitted after the date the issue fee was paid.

The petition is **DISMISSED**.

Receipt is acknowledged of papers submitted under 35 USC § 119 for Chinese Patent Application No. 02160568.8. Petitioner is advised that the rule affecting the submission of a claim for priority of a certified priority document under 37 CFR 1.55(a) was changed effective November 7, 2000. In effect, the Office will permit applicants to file a priority claim or certified priority document with the processing fee set forth in 37 CFR 1.17(i) between the date the issue fee is paid and the date a patent is issued.<sup>1</sup>

However, in this instance, the priority papers cannot be accepted.

It is noted that while the claim for foreign priority under 35 U.S.C. § 119(a)-(d) was acknowledged, that the certified copies of the priority documents were not of record and thus the reason for the instant petition, to perfect the claim. However, because the U.S. application was filed March 8, 2004, more than one year from the filing of the foreign application, December 30, 2002, to which priority is claimed, petitioner is not entitled to such priority and the acknowledgment was erroneous. See MPEP 201.14(c).

Due to Office error, the priority claim was acknowledged. Therefore, this decision also serves as notification to the patentee that the Office intends to issue a certificate of correction in accordance with 37 CFR 1.322(b)(4), in order to rectify the error regarding the priority claim.

Accordingly, the office intends to issue a Certificate of Correction removing the claim for priority to Chinese Patent Application No. 02160568.8.

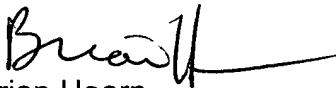
---

<sup>1</sup>Since the filing of the petition, the patent has been granted (Patent No. 6,852,633 issued February 8, 2005).

Patentee is given a ONE MONTH time limit to comment on the proposed correction. See 35 U.S.C. 254 and 37 CFR 1.322. If no objection is received from patentee, the Office will issue a certificate of correction indicating that the above identified patent is not entitled to a claim of priority. This time limit is NOT extendible under 37 CFR 1.136.

Deposit Account No. 20-1430 has been charged in the amount of \$130.00 for the petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

A handwritten signature in black ink, appearing to read "Brian Hearn", with a long horizontal stroke extending to the right.

Brian Hearn  
Special Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy